

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 2/14/2013

Action Requested By:  
Legal

Agenda Item Type  
Resolution

Subject Matter:

Eminent domain proceedings for Old Madison Pike Widening Project.

Exact Wording for the Agenda:

Resolution authorizing eminent domain proceedings for certain parcels of land necessary for the Old Madison Pike Widening Project.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 2/4/2013

RESOLUTION NO. 13-\_\_\_\_\_

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn fee simple title in and to the following described parcels of land, to include any uneconomic remnant, viz:

See Exhibits "A-1" through "D-4," which are attached hereto and incorporated herein, a copy of each being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A corresponding map for each parcel follows the parcel description(s) for each respective tract.

2. That the obtainment of the foregoing property is necessary for the Old Madison Pike Widening Project, Project No. STPAA-STPHV8525(600), which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville, be, and he is hereby authorized, empowered and directed to cause the above described property to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the above described property for the City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. Any prior acts taken by the administration toward the acquisition of the said property pursuant to the eminent domain code are hereby ratified.

6. That in case of failure to acquire said properties for the purposes aforesaid by purchase from the owner or owners thereof, the Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Wilmer & Lee, P.A., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of the properties by the exercise of the right of eminent domain.

ADOPTED this the 14th day of February, 2013.

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President of the City Council  
City of Huntsville, Alabama

APPROVED this the 14th day of February, 2013.

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Tommy Battle  
Mayor of the City of Huntsville,  
Alabama

RIGHT OF WAY  
CHINESE CHRISTIAN CHURCH  
SEC. 11, T4S, R2W  
INSTRUMENT NO. 200707250528530

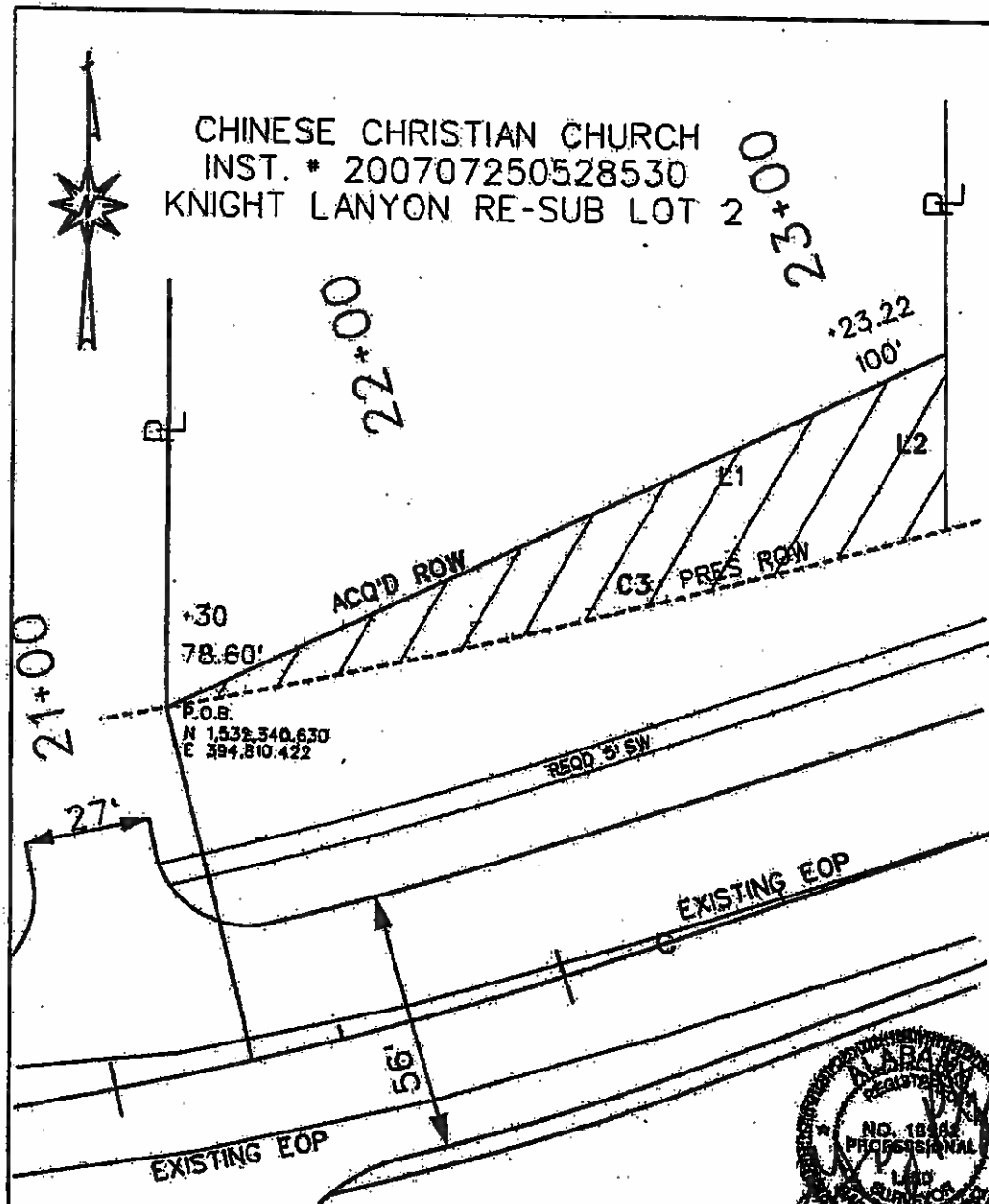
COMMENCE AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 2 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, THENCE RUN S44°20'32"W FOR A DISTANCE OF 2318.09 FEET TO THE POINT OF BEGINNING, LOCATED ON THE SUBJECT PROPERTY (INSTRUMENT NO. 200707250528530), HAVING AN ALABAMA STATE PLANE COORDINATE VALUE (EAST ZONE) OF N-1532348.630, AND E-394810.422 AND BEING A POINT THAT IS 78.60 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 21+30 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN N 64°52'27" E FOR A DISTANCE OF 185.68 FEET TO A POINT THAT IS 100.00 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 23+23.22;

THENCE RUN S 00°06'05" W FOR A DISTANCE OF 37.89 FEET TO A POINT THAT IS 64.40 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 23+10.27 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

ALSO TO THE POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 1903.03 FEET A CHORD BEARING OF S 76°19'10" W A CHORD DISTANCE OF 172.96 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 173.81 FEET BACK TO THE POINT OF BEGINNING; THE ABOVE DESCRIBED TRACT CONTAINS 0.078 ACRES, MORE OR LESS (3409 SQ. FT.).





LINE TABLE

LINE NO.	LENGTH	BEARING
L1	185.68'	N64° 52' 27"E
L2	37.89'	S00° 06' 05"W

CURVE TABLE

CURVE NO.	C3
RADIUS	1903.03'
LENGTH	173.02'
CORD DIST.	172.96'
CORD BEARING	S76° 18' 10"W

CITY OF HUNTSVILLE, ALABAMA

TRACT NUMBER 1 PARCEL NUMBER 1OWNER: CHINESE CHRISTIAN  
CHURCH

PROJ. \* STPAA-STPHV-8525(600)

COUNTY: MADISON

TOTAL ACRES: 4.01 AC

SCALE: 1" = 30'

ROW REQUIRED: 0.078 AC

DATE: 10/03/2011

REMAINDER: 3.932 AC

REVISED: N/A

RIGHT OF WAY  
IMAO & SUNG L. CHEN  
SEC. 11, T4S, R2W  
INSTRUMENT NO. 200704190275120

COMMENCE AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 2 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, THENCE RUN  $S 41^{\circ} 55' 40''$  W FOR A DISTANCE OF 2173.28 FEET TO THE POINT OF BEGINNING BEING LOCATED ON THE SUBJECT PROPERTY (INSTRUMENT NO. 200704190275120), HAVING AN ALABAMA STATE PLANE COORDINATE VALUE (EAST ZONE) OF N-1532381.590, AND E-394978.410 AND BEING A POINT THAT IS 64.40 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 23+19.27 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN  $N 00^{\circ} 06' 05''$  E FOR A DISTANCE OF 53.85 FEET TO A POINT THAT IS 115.00 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 23+28.68 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

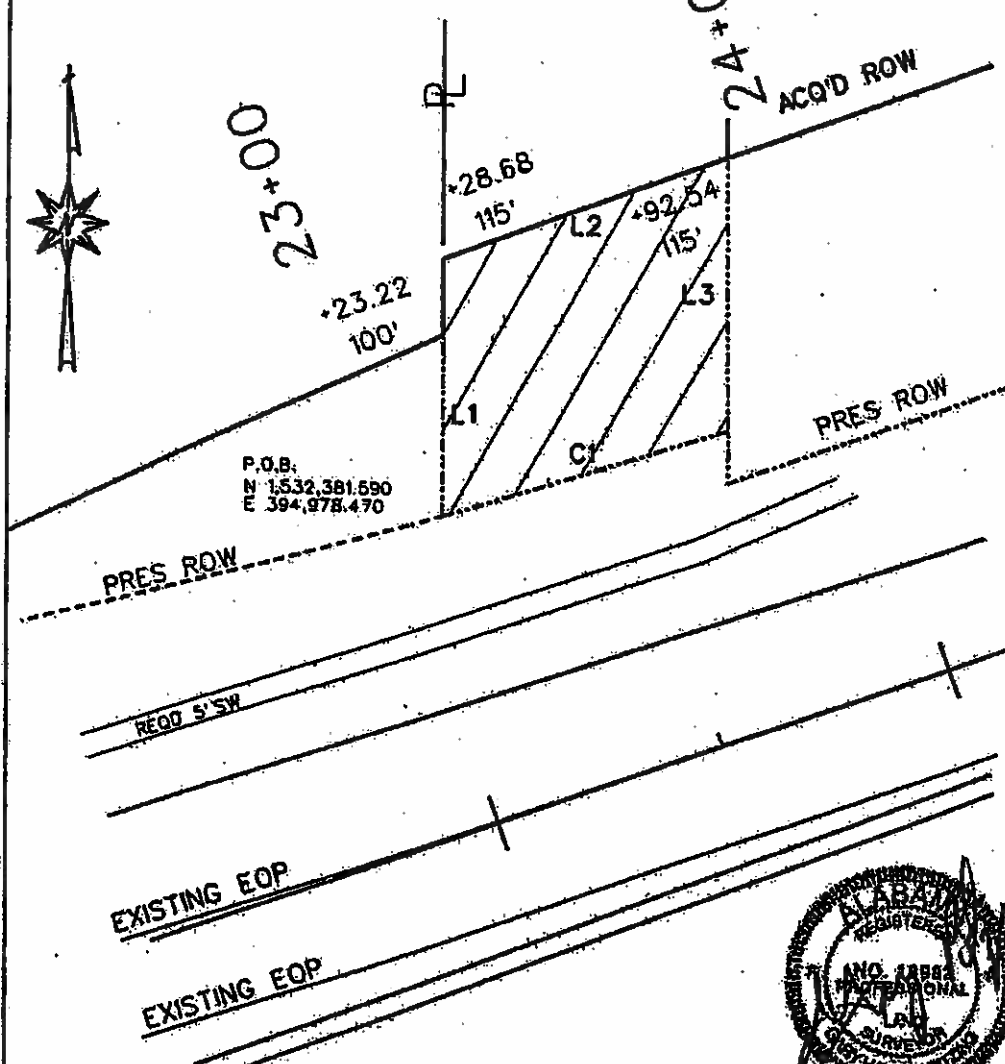
THENCE RUN  $N 70^{\circ} 07' 00''$  E FOR A DISTANCE OF 63.87 FEET TO A POINT THAT IS 115.00 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 23+32.50 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN  $S 60^{\circ} 02' 34''$  E FOR A DISTANCE OF 54.88 FEET TO A POINT THAT IS 61.85 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 23+73.24 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

ALSO TO THE POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 1903.03 FEET A CHORD BEARING OF  $S 72^{\circ} 44' 57''$  W AND A CHORD DISTANCE OF 63.03 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 63.04 FEET BACK TO THE POINT OF BEGINNING; THE ABOVE DESCRIBED TRACT CONTAINS 0.877 ACRES, MORE OR LESS (3339 SQ. FT.).



IMAO & SUING L. CHEN  
 INST. \* 200704190275120  
 LOT 2B KNIGHT LANYON  
 RE-SUB LOT 2



LINE TABLE

LINE NO.	LENGTH	BEARING
L1	53.85'	N00°06'05"E
L2	63.87'	S70°07'00"E
L3	56.88'	S00°02'34"E

CURVE TABLE

CURVE NO.	C1
RADIUS	1903.03'
LENGTH	63.04'
CORD DIST.	63.03'
CORD BEARING	S72°44'57"W

CITY OF HUNTSVILLE, ALABAMA

TRACT NUMBER 2 PARCEL NUMBER 1

OWNER: IMAO & SUING L. CHEN

PROJ. \* STPAA-STPHV-8525(600)

COUNTY: MADISON

TOTAL ACRES: 19.37AC

SCALE: 1" = 30'

ROW REQUIRED: 0.077AC

DATE: 10/03/2011

REMAINDER: 19.293AC

REVISED: N/A

RIGHT OF WAY  
UNIVERSITY ALABAMA HUNTSVILLE FOUNDATION INC.  
SEC. 11 & 12, T4S, R2W  
PPIN # 127637

COMMENCE AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 2 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, THENCE RUN S17°23'24" W FOR A DISTANCE OF 1256.27 FEET TO THE POINT OF BEGINNING BEING LOCATED ON THE SUBJECT PROPERTY (PPIN # 127637), HAVING AN ALABAMA STATE PLANE COORDINATE VALUE (EAST ZONE) OF N-1532799.630, AND E-396055.170 AND A POINT THAT IS 91.33 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 34+65.00 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN N 17°09'38" W FOR A DISTANCE OF 23.70 FEET TO A POINT THAT IS 115.00 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 34+66.10 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN N 70°07'00" E FOR A DISTANCE OF 153.90 FEET TO A POINT THAT IS 115.00 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 36+00.00 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN N 19°53'00" W FOR A DISTANCE OF 25.00 FEET TO A POINT THAT IS 140.00 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 36+00.00 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN N 70°07'00" E FOR A DISTANCE OF 99.40 FEET TO A POINT THAT IS 140.00 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 36+99.40 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

ALSO TO THE POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 710.00 FEET A CHORD BEARING OF N 55°45'02" E AND A CHORD DISTANCE OF 361.93 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 355.63 FEET TO A POINT THAT IS 140.00 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 41+25.25 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN S 48°34'57" E FOR A DISTANCE OF 10.00 FEET TO A POINT THAT IS 130.00 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 41+25.25 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN N 41°25'03" E FOR A DISTANCE OF 124.75 FEET TO A POINT THAT IS 130.00 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 42+50.00 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN S 48°34'57" E FOR A DISTANCE OF 38.34 FEET TO A POINT THAT IS 101.66 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 42+50.00 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

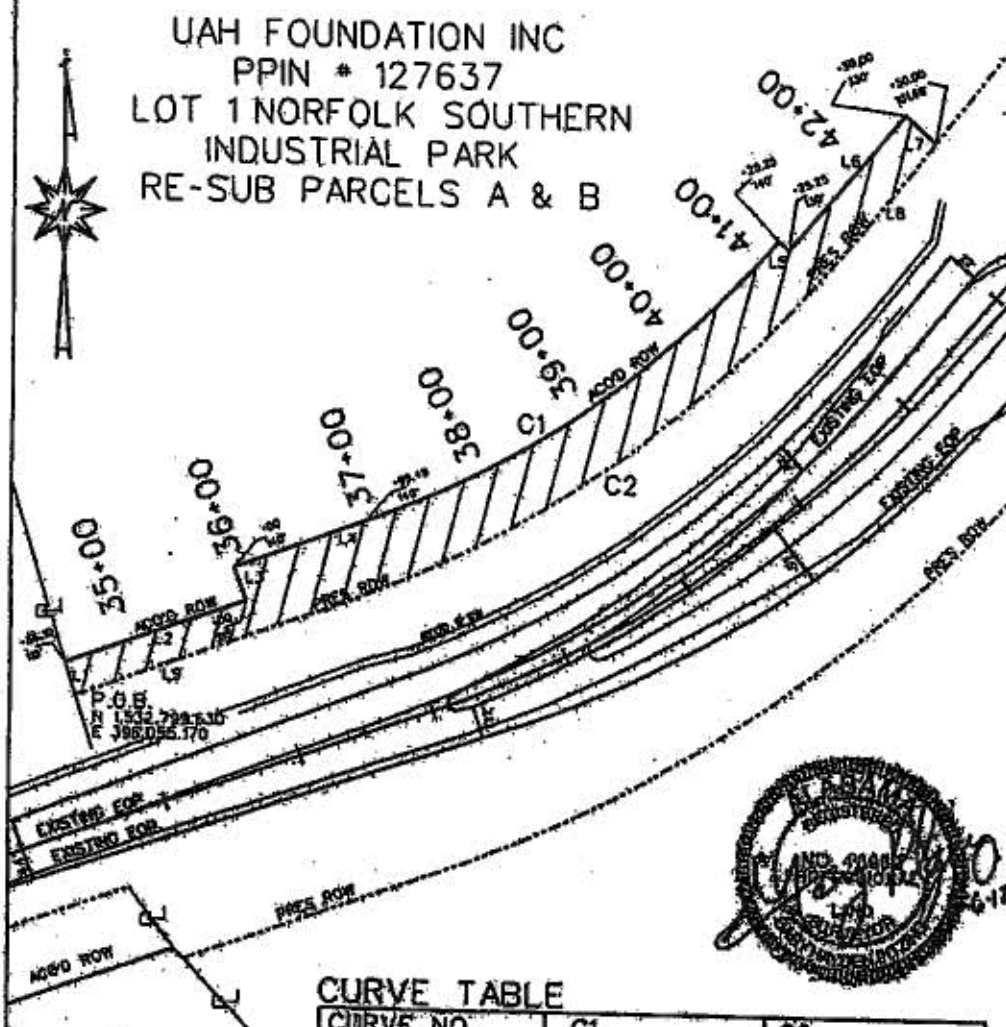
THENCE RUN S 40°11'17" W FOR A DISTANCE OF 99.38 FEET TO A POINT THAT IS 97.82 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 41+50.64 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

ALSO TO THE POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 854.93 FEET A CHORD BEARING OF S 55°14'24" W AND A CHORD DISTANCE OF 438.75 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 443.71 FEET TO A POINT THAT IS

91.40 FEET AT A RIGHT ANGLE TO THE LEFT OF STATION 36+58.00 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN S 70°05'42" W FOR A DISTANCE OF 102.02 FEET BACK TO THE POINT OF BEGINNING; THE ABOVE DESCRIBED TRACT CONTAINS 0.621 ACRES, MORE OR LESS (270515Q.FT.);





CURVE TABLE

CURVE NO.	C1	C2
RADIUS	710.00'	854.93'
LENGTH	355.63'	443.71'
CORD DIST.	351.93'	438.75'
CORD BEARING	N55° 46' 02" E	N55° 13' 24" W

LINE TABLE

NO.	LENGTH	BEARING
L1	23.78'	N17° 09' 38" W
L2	133.90'	N70° 07' 00" E
L3	26.00'	S19° 53' 00" E
L4	99.49'	N75° 07' 00" E

LINE TABLE

NO.	LENGTH	BEARING
L5	10.00'	N48° 34' 57" E
L6	124.75'	N41° 25' 03" E
L7	28.34'	S48° 34' 57" E
L8	99.38'	S40° 21' 17" W
L9	193.02'	S70° 09' 42" W

CITY OF HUNTSVILLE, ALABAMA

TRACT NUMBER 4 PARCEL NUMBER 1OWNER: UAH FOUNDATION INC.PROJ. # STPAA-STPHV-8525(600)COUNTY: MADISONTOTAL ACRES: 23.43 ACSCALE: 1" = 100'ROW REQUIRED: 0.621 ACDATE: 10/03/2011REMAINDER: 22.809 ACREVISED: N/A

RIGHT OF WAY  
MADISON ACADEMY INC.  
SEC. 11, T4S, R2W  
INST. # 200903020134230

COMMENCE AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 2 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA THENCE RUN S56°10'17" W FOR A DISTANCE OF 3242.05 FEET TO THE POINT OF BEGINNING BEING LOCATED ON THE SUBJECT PROPERTY (INST. # 200903020134230), HAVING AN ALABAMA STATE PLANE COORDINATE VALUE (EAST ZONE) OF N-1532193.600, AND E-393737.440 AND BEING A POINT THAT IS 36.69 FEET AT A RIGHT ANGLE TO THE RIGHT OF STATION 10+35.60 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN N 35°53'56" E FOR A DISTANCE OF 710.22 FEET TO A POINT THAT IS 41.56 FEET AT A RIGHT ANGLE TO THE RIGHT OF STATION 17+45.80 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

ALSO TO THE POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 1994.64 FEET A CHORD BEARING OF N 80°00'24" E AND A CHORD DISTANCE OF 688.92 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 692.39 FEET TO A POINT THAT IS 49.00 FEET AT A RIGHT ANGLE TO THE RIGHT OF STATION 24+26.29 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN N 70°06'31" E FOR A DISTANCE OF 1029.20 FEET TO A POINT THAT IS 43.86 FEET AT A RIGHT ANGLE TO THE RIGHT OF STATION 34+55.49 AND BEING ON THE PRESENT RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN S 36°22'33" E FOR A DISTANCE OF 53.34 FEET TO A POINT THAT IS 100.00 FEET AT A RIGHT ANGLE TO THE RIGHT OF STATION 34+70.63 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

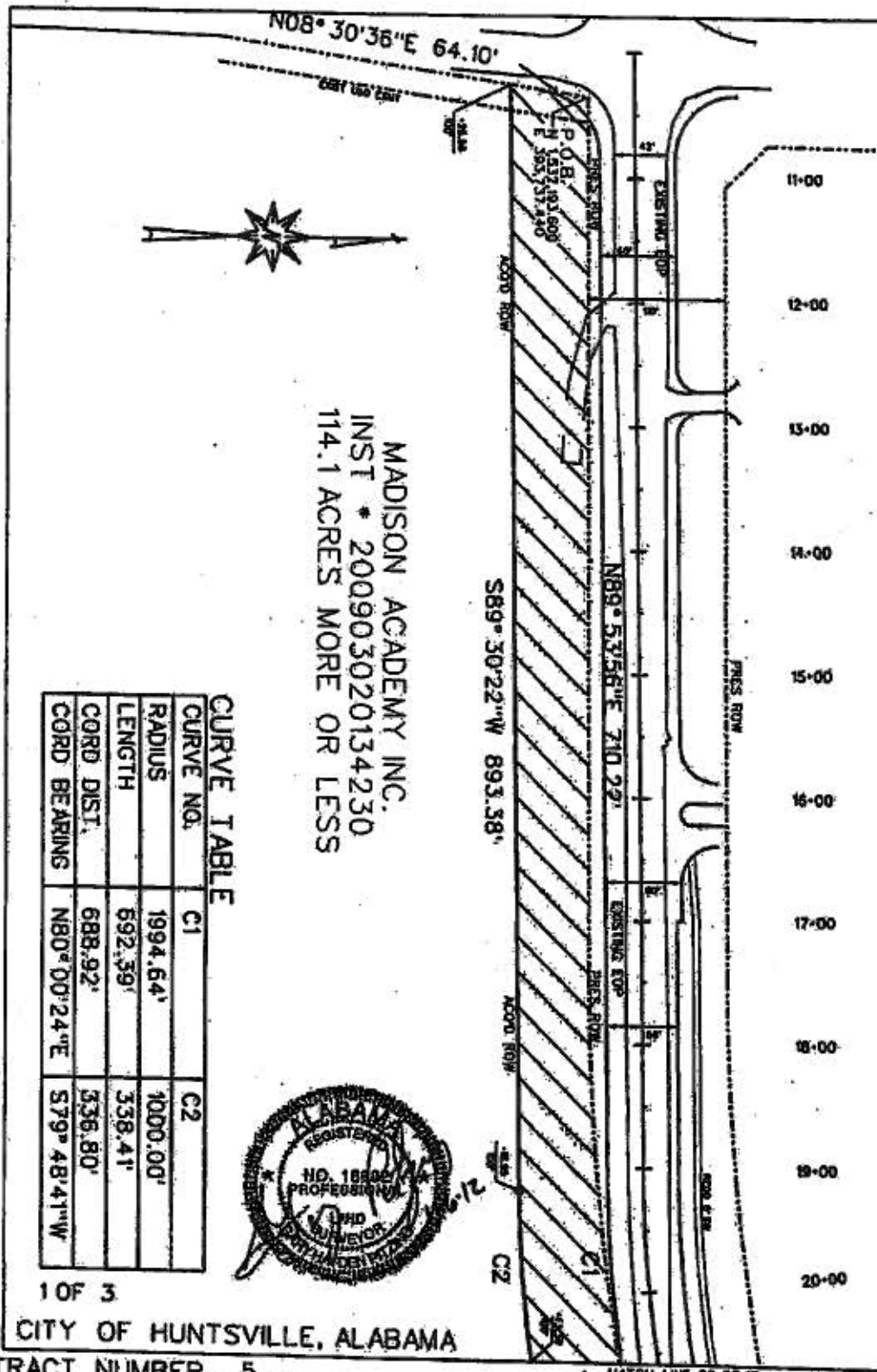
THENCE RUN S 70°07'00" W FOR A DISTANCE OF 1247.12 FEET TO A POINT THAT IS 100.00 FEET AT A RIGHT ANGLE TO THE RIGHT OF STATION 22+23.51 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

ALSO TO THE POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 1000.00 FEET A CHORD BEARING OF S 79°48'01" W AND A CHORD DISTANCE OF 336.80 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 338.41 FEET TO A POINT THAT IS 100.00 FEET AT A RIGHT ANGLE TO THE RIGHT OF STATION 19+13.95 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN S 89°10'22" W FOR A DISTANCE OF 893.38 FEET TO A POINT THAT IS 100.00 FEET AT A RIGHT ANGLE TO THE RIGHT OF STATION 10+25.26 AND BEING ON THE REQUIRED RIGHT-OF-WAY OF OLD MADISON PIKE;

THENCE RUN N 08°30'36" E FOR A DISTANCE OF 64.10 FEET BACK TO THE POINT OF BEGINNING; THE ABOVE DESCRIBED TRACT CONTAINS 3.216 ACRES, MORE OR LESS (140,263 SQ. FT.).





TRACT NUMBER 5

OWNER: MADISON ACADEMY

TOTAL ACRES: 114.10 AC

ROW REQUIRED: 3.216 AC

REMAINDER: 110.884 AC

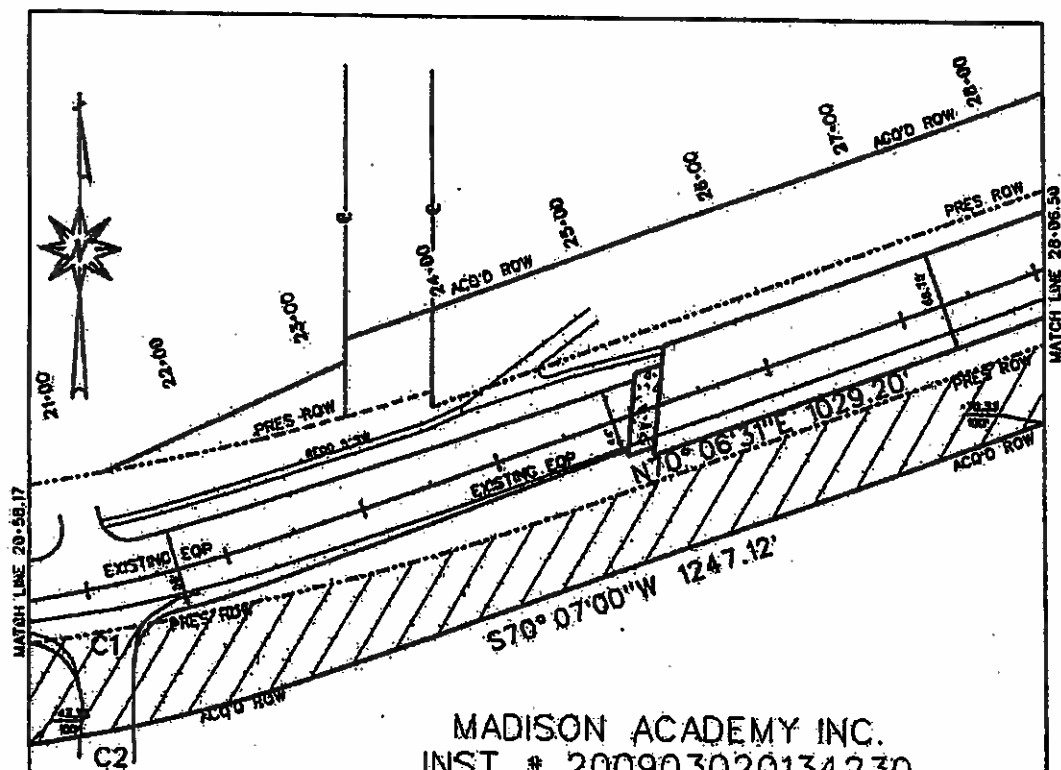
PROJ. # STPAA-STPHV-8525(600)

COUNTY: MADISON

SCALE: 1" = 100'

DATE: 10/03/2011

REVISED: N/A



MADISON ACADEMY INC.  
 INST \* 200903020134230  
 114.1 ACRES MORE OR LESS



### CURVE TABLE

CURVE NO.	C1	C2
RADIUS	1994.64'	1000.00'
LENGTH	692.39'	338.41'
CORD DIST.	688.92'	336.80'
CORD BEARING	N80°00'24\"E	S79°48'41\"W

CITY OF HUNTSVILLE, ALABAMA

2 OF 3

TRACT NUMBER 5 PARCEL NUMBER 1

OWNER: MADISON ACADEMY

PROJ. \* STPAA-STPHY-8525(600)

COUNTY: MADISON

TOTAL ACRES: 114.10 AC

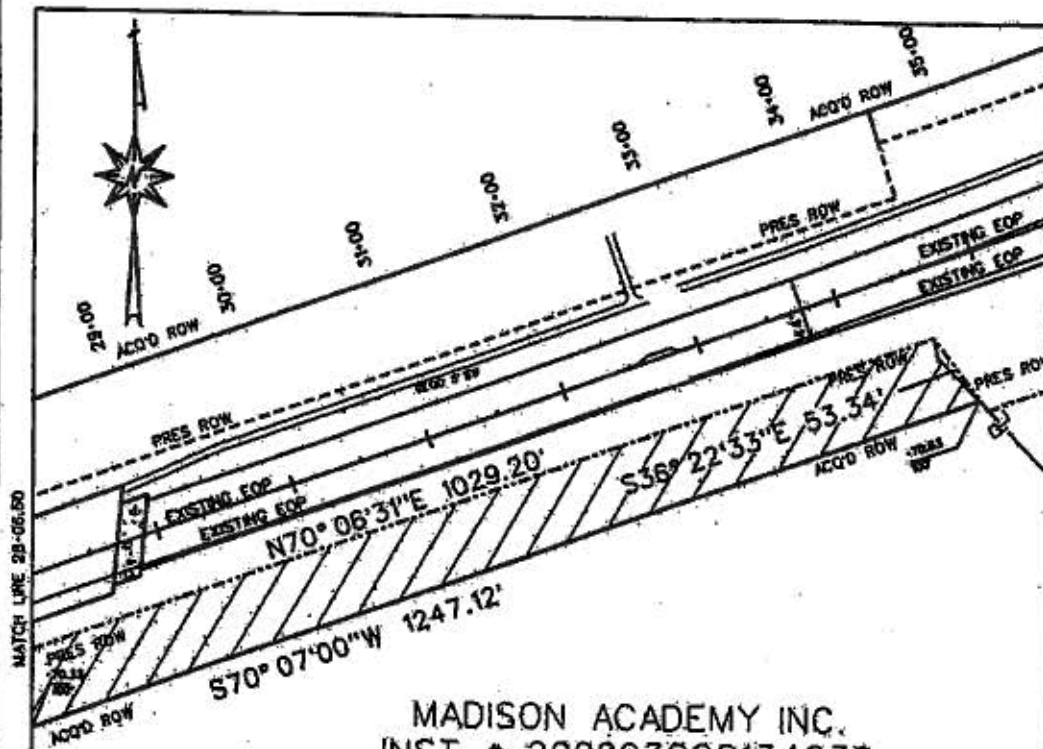
SCALE: 1\" = 100'

ROW REQUIRED: 3.216 AC

DATE: 10/03/2011

REMAINDER: 110.884 AC

REVISED: N/A



MADISON ACADEMY INC.  
 INST \* 200903020134230  
 114.1 ACRES MORE OR LESS



### CURVE TABLE

CURVE NO.	C1	C2
RADIUS	1994.64'	1000.00'
LENGTH	692.39'	338.41'
CORD DIST.	688.92'	336.80'
CORD BEARING	N80° 00' 24\"E	S79° 48' 41\"W

CITY OF HUNTSVILLE, ALABAMA

3 OF 3

TRACT NUMBER 5 PARCEL NUMBER 1

OWNER: MADISON ACADEMY

PROJ. \* STPAA-STPHV-8525(600)

COUNTY: MADISON

TOTAL ACRES: 114.10 AC

SCALE: 1\" = 100'

ROW REQUIRED: 3.216 AC

DATE: 10/03/2011

REMAINDER: 110.884 AC

REVISED: N/A